

FILED

FEB 14 2012

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

DAVID CREWS, CLERK
BY  Deputy

Joe B. Harris,

Plaintiff,

v.

Discover Bank and John does 1 thru 5,

Defendants.

CASE NO 3:12CV014-P2-A

JURY TRIAL DEMANDED

COMPLAINT

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims.
2. This action arises out of Defendants' repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") and out of the invasions of Plaintiff's personal and financial privacy by these Defendants and their agents in their illegal efforts to collect a consumer debt from Plaintiff.
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendants transact business here.

PARTIES

4. Plaintiff Joe B. Harris is a natural person whose address is 101 Rickey D. Britt Blvd. Ste. 3, Oxford, Mississippi 38655, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant Discover Bank, DBA Discover Card Services (hereinafter "Discover Defendant") is a foreign corporation conducting business in the state of Mississippi, and Defendants John Does

1 thru 5 are unknown agents or successors in interest in the debt to the Discover Defendant; all of whom are “debt collectors” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5), namely, a credit card debt with Discover Defendant, which was used by Plaintiff for personal, family and household purchases.
7. The debt was consigned, placed or otherwise transferred to one or more of the John Doe Defendants for collection from the Plaintiff.
8. On or about January 28, 2010 Plaintiff and Discover Defendant, through its agents settled the debt by payment of an agreed upon compromise amount (the “Settlement”), which Settlement constituted full accord and satisfaction of the debt. Subsequent to the settlement, Defendant, or some of them, have attempted to collect the debt in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

TRIAL BY JURY

9. Plaintiff is entitled to and hereby respectfully demands a trial by jury on all issues so triable.
- US Const. amend. 7. Fed.R.Civ.P. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

10. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
11. The foregoing acts and omissions of each and every Defendant and their agents constitute violations of the FDCPA including, but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq., with respect to Plaintiff.
12. As a result of each and every Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from each and every Defendant herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against each and every Defendant:

COUNT I.

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every Defendant;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each and every Defendant;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every Defendant;

- for such other and further relief as may be just and proper.

Respectfully submitted,

Dated: February 13, 2012

Joe B. Harris

By:  _____

Patrick A. Sheehan

OF COUNSEL:

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